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AUG - 9 2018	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY 	DEPUTY

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

9 United States of America,
10
11 Plaintiff,

12 v.

13 Adela Del Carmen Sanchez-Arevalo,
14
15

16 Defendant.

No. CR-17-01458-PHX-ESW

PLEA AGREEMENT

17 The United States of America and the defendant hereby agree to the following
18 disposition of this matter:

19 **PLEA**

20 The defendant will plead guilty to an Information charging the defendant with a
21 violation of 8 U.S.C. § 1325(a)(2) and 18 U.S.C. § 2, Aiding and Abetting an Alien to
22 Elude the Examination and Inspection of Immigration Officers of the United States, a class
23 B misdemeanor offense.

24 **1. MAXIMUM PENALTIES**

25 A violation of 8 U.S.C. § 1325(a)(2) and 18 U.S.C. § 2 is punishable by a maximum
26 fine of \$5,000.00, a maximum term of imprisonment of 6 months, or both. The maximum
27 term of probation is five years.
28

1 Pursuant to 18 U.S.C. § 3013(a)(1)(A)(ii), the Court is required to order the
2 defendant to pay a \$10 special assessment.

3 **2. AGREEMENTS REGARDING SENTENCING**

4 a. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the United States and the defendant
5 stipulate and agree that defendant will be sentenced to a two-year term of probation with
6 no jail time to be imposed.

7 b. Pursuant to Fed. R. Crim. P. 11(c)(1)(A), the United States will dismiss at
8 the time of sentencing the Indictment charging a violation of 8 U.S.C. §§ 1324(a)(1)(A)(i),
9 (a)(1)(A)(v)(I), Conspiracy to Bring Illegal Alien to the United States. In addition, this
10 office will not prosecute the defendant for any additional offenses committed by the defen-
11 dant, and known by the government, which are detailed in the discovery released to the
12 defendant and in the factual basis of this agreement which relate to violations of 8 U.S.C.
13 § 1324(a)(1)(A)(ii), Illegal Transportation of an Alien, a class D felony offense punishable
14 by up to five years of imprisonment. This agreement does not, in any manner, restrict the
15 actions of the United States in any other district nor bind any other United States Attorney's
16 Office.

17 c. Waiver of Presentence Investigation Report. The United States and the
18 defendant waive a presentence investigation report and agree that sentencing may occur on
19 the day of the change of plea.

20 **3. COURT APPROVAL REQUIRED; REINSTITUTION OF PROSECUTION**

21 If the Court, after reviewing this plea agreement, concludes that any provision is
22 inappropriate, it may reject the plea agreement and give the defendant the opportunity to
23 withdraw the guilty plea in accordance with Fed. R. Crim. P. 11(c)(5).

24 If the defendant's guilty plea or plea agreement is rejected, withdrawn, vacated, or
25 reversed at any time, this agreement shall be null and void, the United States shall be free
26 to prosecute the defendant for all crimes of which it then has knowledge, and any charges
27 that have been dismissed because of this plea agreement shall automatically be reinstated.

1 In such event, the defendant waives any and all objections, motions, or defenses based
2 upon the Statute of Limitations, the Speedy Trial Act or constitutional restrictions in
3 bringing of the later charges or proceedings. The defendant understands that any
4 statements made at the time of the defendant's change of plea or sentencing may be used
5 against the defendant in any subsequent hearing, trial, or proceeding pursuant to the
6 limitations of Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410.

7 **4. WAIVER OF DEFENSES AND APPEAL RIGHTS**

8 The defendant waives: (1) any and all motions, defenses, probable cause
9 determinations, and objections that the defendant could assert to the indictment or
10 information; and (2) any right to file an appeal, any collateral attack, and any other writ or
11 motion that challenges the conviction, an order of restitution or forfeiture, the entry of
12 judgment against defendant, or any aspect of the defendant's sentence, including the
13 manner in which the sentence is determined, including but not limited to any appeals under
14 18 U.S.C. § 3742 (sentencing appeals) and motions under 28 U.S.C. §§ 2241 and 2255
15 (habeas petitions), and any right to file a motion for modification of sentence, including
16 under 18 U.S.C. § 3582(c). This waiver shall result in the dismissal of any appeal,
17 collateral attack, or other motion the defendant might file challenging the conviction, order
18 of restitution or forfeiture, or sentence in this case. This waiver shall not be construed to
19 bar an otherwise-preserved claim of ineffective assistance of counsel or of "prosecutorial
20 misconduct" (as that term is defined by Section II.B of Ariz. Ethics Op. 15-01 (2015)).

21 **5. PERJURY AND OTHER OFFENSES**

22 Nothing in this agreement shall be construed to protect the defendant in any way
23 from prosecution for perjury, false declaration or false statement, obstruction of justice, or
24 any other offense committed by the defendant after the date of this agreement. Any
25 information, statements, documents, or evidence the defendant provides to the United
26 States pursuant to this agreement, or to the Court, may be used against the defendant in all
27 such prosecutions.

1 **6. EFFECT ON OTHER PROCEEDINGS**

2 This agreement does not preclude the United States from instituting any civil or
3 administrative proceedings as may be appropriate now or in the future.

4 **DEFENDANT'S APPROVAL AND ACCEPTANCE**

5 I have read the entire plea agreement with the assistance of counsel and understand
6 each of its provisions.

7 I have discussed the case and my constitutional and other rights with my attorney.
8 I understand that by entering my plea of guilty I will be giving up my rights to plead not
9 guilty; to have a trial; to confront, cross-examine, and compel the attendance of witnesses;
10 to present evidence in my defense; to remain silent and refuse to be a witness against myself
11 by asserting my privilege against self-incrimination; and to be presumed innocent until
12 proven guilty beyond a reasonable doubt, all with the assistance of counsel.

13 I agree to enter my guilty plea as indicated above on the terms and conditions set
14 forth in this agreement.

15 I have been advised by my attorney of the nature of the charges to which I am
16 entering my guilty plea. I have further been advised by my attorney of the nature and range
17 of the possible sentence.

18 My guilty plea is not the result of force, threats, assurances or promises other than
19 the promises contained in this agreement. I agree to the provisions of this agreement as a
20 voluntary act on my part and I agree to be bound according to its provisions.

21 I agree that this written plea agreement contains all the terms and conditions of my
22 plea. I further agree that promises made by anyone (including my attorney) that are not
23 contained within this written plea agreement are null and void and have no force and effect.

24 I am satisfied that my defense attorney has represented me in a competent manner.

25 I am fully capable of understanding the terms and conditions of this plea agreement.

26 I am not now using or under the influence of any drug, medication, liquor, or other
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1 intoxicant or depressant that would impair my ability to fully understand the terms and
2 conditions of this plea agreement.

3 **ELEMENTS**

4 **Aiding and Abetting an Alien to Elude Examination and Inspection**

5 On or about April 13, 2017, in the District of Arizona:

- 6 1. John Doe, a juvenile, was an alien;
- 7 2. John Doe, a juvenile, committed the crime of eluding examination and
8 inspection by immigration officials;
- 9 3. The defendant aided, counseled, commanded, induced or procured John Doe,
10 a juvenile, with respect to at least one element of eluding examination and
11 inspection by immigration officials;
- 12 4. The defendant acted with the intent to facilitate John Doe's crime of eluding
13 examination and inspection by immigration officials.
- 14 5. The defendant acted before the crime was completed

15 **FACTUAL BASIS**

16 I further admit the following facts are true and if this matter were to proceed to trial
17 the United States could prove the following facts beyond a reasonable doubt:

18 Beginning on an unknown date, and continuing through on or about April
19 13, 2017, in Mesa, Arizona, I received information from my juvenile son,
20 John Doe, that he had arrived at the U.S. – Mexican border from El Salvador.
21 John Doe explained to me that he had found a smuggler to assist him with
22 crossing into the United States illegally. I then had conversations with the
23 alien smuggler who requested a fee of \$4,000, to be transferred via Western
24 Union, to facilitate John Doe's entry into the United States. I then made wire
25 transfers in increments of \$800 - \$1000 to individuals in Mexico to facilitate
26 John Doe's illegal entry. I knew John Doe did not have legal authorization
27 to enter the United States and I transferred money to an alien smuggler to aid
28 John Doe elude examination and inspection by Immigration Officials of the
United States.

1 I have read this agreement and I have carefully reviewed every part of it with my
2 attorney. I understand it, and I voluntarily agree to it.

3 06/19/2018
4 Date

Adela Sanchez
Adela Del Carmen Sanchez-Arevalo
Defendant

6 **DEFENSE ATTORNEY'S APPROVAL**

7 I have discussed this case and the plea agreement with my client in detail and have
8 advised the defendant of all matters within the scope of Fed. R. Crim. P. 11, the
9 constitutional and other rights of an accused, the factual basis for and the nature of the
10 offense to which the guilty plea will be entered, possible defenses, and the consequences
11 of the guilty plea including the maximum statutory sentence possible. I have discussed the
12 concept of the advisory Sentencing Guidelines with the defendant. No assurances,
13 promises, or representations that are not contained in this written agreement have been
14 given to me or to the defendant by the United States or any of its representatives. I have
15 concluded that the entry of the plea as indicated above on the terms and conditions set forth
16 in this agreement are in the best interests of my client. I agree to make a bona fide effort
17 to ensure that the guilty plea is entered in accordance with all the requirements of Fed. R.
18 Crim. P. 11.

19 6/19/18
20 Date

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DENISE AGUILAR
Attorney for Defendant


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UNITED STATES' APPROVAL

I have reviewed this matter and the plea agreement. I agree on behalf of the United States that the terms and conditions set forth are appropriate and are in the best interests of justice.

ELIZABETH A. STRANGE
First Assistant United States Attorney
District of Arizona

8/9/18
Date


SEAN K. LOKEY
Assistant U.S. Attorney

COURT'S ACCEPTANCE

8-9-2018
Date


HONORABLE EILEEN S. WILLETT
United States Magistrate Judge